

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SMITH KLINE & FRENCH  
LABORATORIES LIMITED and  
SMITHKLINE BEECHAM  
CORPORATION d/b/a  
GLAXOSMITHKLINE,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No. 05-197-GMS

**PUBLIC VERSION**

**DECLARATION OF CRISTINA C. ASHWORTH IN SUPPORT OF PLAINTIFF  
GLAXOSMITHKLINE'S OPPOSITION TO DEFENDANT'S MOTIONS *IN LIMINE*  
NO. 3 TO LIMIT EVIDENCE AND ARGUMENT REGARDING THE ALLEGED  
INVENTION OF THE PATENTS-IN-SUIT AND NO. 4 TO EXCLUDE EVIDENCE AND  
TESTIMONY ON PATENT PROSECUTION**

I, Cristina C. Ashworth, declare as follows:


I am admitted to this Court, and I am a counsel with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel of record for the Plaintiff GlaxoSmithKline in this action.

1. Attached hereto as Exhibit 1 is a true and correct copy of Defendant Teva Pharmaceuticals U.S.A. Inc.'s Responses to Plaintiff's First Set of Interrogatories, dated October 3, 2005.
2. Attached hereto as Exhibit 2 is a true and correct copy of Defendant Teva Pharmaceuticals U.S.A. Inc.'s Second Supplemental Responses to Plaintiff's First Set of Interrogatories, dated April 10, 2006.
3. Attached hereto as Exhibit 3 is a true and correct copy of Deposition Transcript Excerpts of Gregory Gallagher, dated May 5, 2006.
4. Attached hereto as Exhibit 4 is a true and correct copy of U.S. Patent 4,824,860, dated April 28, 2006.

5. Attached hereto as Exhibit 5 is a true and correct copy of Deposition Transcript Excerpts of David Owen, dated May 26, 2006.
6. Attached hereto as Exhibit 6 is a true and correct copy of Deposition Transcript Excerpts of Brenda Costall, dated May 4, 2006.
7. Attached hereto as Exhibit 7 is a true and correct copy of Plaintiff GlaxoSmithKline's Responses to Defendant's First Set of Interrogatories, dated October 3, 2005.
8. Attached hereto as Exhibit 8 is a true and correct copy of Plaintiff GlaxoSmithKline's Second Supplemental Responses to Defendant's First Set of Interrogatories, dated June 29, 2006.
9. Attached hereto as Exhibit 9 is a true and correct copy of Plaintiff GlaxoSmithKline's Third Supplemental Responses to Defendant's First Set of Interrogatories, dated August 16, 2006.
10. Attached hereto as Exhibit 10 is a true and correct copy of Letter from Corey Manley to Michael Gordon, enclosing deposition notices, dated May 19, 2006.
11. Attached hereto as Exhibit 11 is a true and correct copy of Letter from Michael Gordon to Charanjit Brahma, dated May 30, 2006.
12. Attached hereto as Exhibit 12 is a true and correct copy of Rule 26(a)(2) Rebuttal Expert Report of James T. Charmichael, dated October 13, 2006

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C.

Respectfully submitted,

  
Cristina C. Ashworth

Dated: October 30, 2006

**CERTIFICATE OF SERVICE**

I, Patricia Smink Rogowski, hereby certify that on November 6, 2006 **Public Version of Declaration of Cristina C. Ashworth in Support of Plaintiff GlaxoSmithKline's Opposition to Defendant's Motions In Limine No. 3 To Limit Evidence and Argument Regarding the Alleged Invention of the Patents-in-Suit and No. 4 to Exclude Evidence and Testimony on Patent Prosecution** was filed with the Court Clerk using CM/ECF which will send notification of such filing(s) to Josy W. Ingersoll.

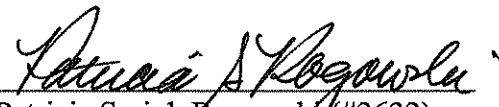
I hereby further certify that on November 6, 2006, I have also served this document on the attorneys of record at the following addresses as indicated:

**Via Hand Delivery**

Josy W. Ingersoll, Esq.  
Young Conaway Stargatt & Taylor LLP  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, DE 19801

**Via Federal Express**

Stephen D. Dove, Esq.  
Steven A. Engel, Esq.  
Karen M. Robinson, Esq.  
Kirkland & Ellis LLP  
655 Fifteenth Street, N.W.  
Washington, DC 20005-5793

  
Patricia Smink Rogowski (#2632)  
CONNOLLY BOVE LODGE & HUTZ LLP  
The Nemours Building  
1007 N. Orange Street  
Wilmington, DE 19801  
(302) 658-9141  
[progowski@cblh.com](mailto:progowski@cblh.com)